REMARKS

The Official Action of September 15, 2003 has been carefully considered and reconsideration of the application as amended is respectfully requested.

Claim 7 has been rewritten in independent form with the recitations in the claim corresponding to the recitations in original claim 7. This amendment removes the basis for the objection contained in paragraph 5 of the Official Action.

The claims of this application stand rejected under 35 USC 103(a) as allegedly being unpatentable over Takemoto in view of one or more of Kubota et al, Sano et al, Ono et al and Ohtsuka et al. Applicants respectfully traverse these rejections.

Applicants submit herewith certified English translations of the following Japanese applications from which priority is claimed in the present application: (a) JP11-370604 filed December 27, 1999 and (b) JP2000-116793 filed April 18, 2000. Each of these priority applications antedates the 102(a) date of Takemoto (June 13, 2000). The '604 priority application provides 35 USC 112, first paragraph support for present claims 1-4, 9-13 and 23-25 and the provision of the certified English translation of this priority application thus removes the basis for the rejection of these claims. The '793 priority application provides 35 USC 112, first paragraph support for present claims 14-22 and the provision of the certified English translation of this priority application thus removes the basis for the rejection of these claims.

With respect to present claims 5-8, the claims recite a dark ink composition and a light ink composition of a same color, wherein each of the ink compositions comprises a pigment as a colorant and fine polymer particles. The claims require that the ratio (E_1/P_1) between the fine polymer weight proportion E_1 and the pigment weight proportion P_1 in the dark ink composition is lower than the ratio between the fine polymer particle weight proportion E_2 and the pigment weight proportion P_2 in the light ink composition. This claim limitation is based upon Applicants' finding that, surprisingly, when the respective fine polymer particles and pigments are present in the respective light and dark ink compositions in the recited relationship, the ink permeability of the ink set is uniform, even when the duty level is varied, and high quality images are obtained wherein no roughness occurs (see specification at, for example, page 24, lines 5-9). Put another way, the specification reveals that the claimed relationship between E_1/P_1 and E_2/P_2 is a result effective variable.

As acknowledged by the Examiner, the primary reference, Takemoto, does not show or suggest the presence in the ink compositions described therein of a fine polymer particle. Accordingly, it is respectfully not understood how the reference could be considered to show or suggest the claimed relationship between E_1/P_1 and E_2/P_2.

In an attempt to show this relationship, the Examiner equates the claimed **fine polymer particle** with the **dispersant** described in Takemoto and also equates the Takemoto dispersant with the resin emulsion in the secondary reference, Sano.

However, even if one were to equate a dispersant of Takemoto with a resin emulsion of Sano, one could not assume that a weight percentage of the dispersant would be the same as a weight percentage of the resin emulsion. In any event, the ink compositions of Takemoto already contain resin emulsions (see, e.g., Takemoto Abstract) and, if one were to equate a resin emulsion and a dispersant, one would have to include the weight percentage of the resin emulsion in calculating the ratio of dispersant to pigment. Thus, for magenta ink 3 in column 12 of Takemoto, the ratio of dispersant to pigment would be 1.5 ((1+3.5)/3), which is higher than the ratio of dispersant to pigment for the light magenta ink.

Moreover, it is respectfully submitted that the claimed fine polymer particles cannot be equated with a dispersant in any event. This follows from the present specification which describes the optional presence of a dispersant in the claimed compositions as a separate component (see present specification at page 33, lines 22-25). Clearly, a dispersant cannot be equated with the claimed fine polymer particles in the claimed ink set.

In short, the cited references do not show or suggest the claimed components or that the respective amounts of the recited fine polymer particles and pigments in the claimed light and dark ink compositions is a result effective variable. Accordingly, even assuming for the sake of argument that the cited references were properly combinable, the combination would not result in the claimed ink set and would not set forth even a *prima facie* case of obviousness for the invention as claimed (see MPEP

Section 2145.05(II)(B)). This being the case, it is respectfully submitted that the rejection should be withdrawn.

In view of the above, it is respectfully submitted that all rejections and objections of record have been successfully traversed and that the application is now in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

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